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No. 336

In the Supreme Court of the United States

OCTOBER TERM, 1930

UNITED STATES OF AMERICA EX REL. COSTAS CATECHES, PETITIONER

v.

BENJAMIN M. DAY, COMMISSIONER OF IMMIGRATION AT THE PORT OF NEW YORK

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT

MEMORANDUM FOR THE RESPONDENT

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The question involved is whether an alien who arrived in this country, after the effective date of the Immigration Act of 1924, as a seaman and deserted his ship, and remained here for a longer period than permitted by that Act and the regulations of the Department thereunder, may be deported at any time as provided in said Act, or only within three years after entry in accordance with the Immigration Act of 1917.

This precise question is involved in *Philippides* v. *Day, Commissioner,* No. 92, present term, in

which this Court at the last term, without opposition by respondent, granted the petition for certiorari. The question is also involved in *Carr, Director of Immigration* v. *Mateo Zaja,* No. 125, present term, in which petition for certiorari was filed on behalf of the Director on May 16, 1930, and is now pending before this Court. The respondent consequently does not oppose the granting of the petition in the instant case.

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